

## Flathead County Planning & Zoning

1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



### **PETITION FOR ZONING AMENDMENT**

*Submit this application, all required information, and appropriate fee (see current fee schedule)  
to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$ 1,988.42**

#### **APPLICANT/OWNER:**

1. Name: Haskill Creek Holdings LLC Phone: 406-580-5208
2. Mail Address: 58 Western Village Lane
3. City/State/Zip: Columbia Falls, Montana 59912
4. Interest in property: Owner

**Check which applies:**



Map Amendment



Text Amendment:

#### **TECHNICAL/PROFESSIONAL PARTICIPANTS:**

Name: Sitescape Associates, Bruce Lutz Phone: 406-892-3492  
Mailing Address: 385 Golf Course Drive  
City, State, Zip: Columbia Falls, Montana 59912  
Email: lutz@sitescape.mygbiz.com

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:**

- A. What is the proposed zoning text/map amendment?

Not Applicable

#### **IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:**

- A. Address of the property: 1700 E. Edgewood Drive, Whitefish, MT 59937
- B. Legal Description: Parcel 1 of C.O.S. 19504 AKA Tract 3  
(Lot/Block of Subdivision or Tract #)
- 27 - 31 - 21  
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 39.614
- D. Zoning District: Haskill Basin Ranch
- E. The present zoning of the above property is: AG-20
- F. The proposed zoning of the above property is: SAG-10

**G. State the changed or changing conditions that make the proposed amendment necessary:**

Haskill Creek Holdings LLC (HCH) has recently purchased the subject 39.6 acre subject parcel from Bill and Marsha Voermans. The Voermans farm property east of Whitefish comprised of open fields and wooded areas that totaled 450.77 acres prior to the sale to HCH. The Voermans Family has owned and farmed the property for the past 118 years since 1896. The subject 39.6 acre parcel is the northernmost portion of the Voermans properties. The main body of the Voermans property is separated from the subject property by East Edgewood Drive. The Voermans have been generous in their granting of boundary line adjustments and road and utility easements over the years. Property values in the Whitefish area have escalated to the point that large agricultural tracts have tended to transition to rural residential uses when such land has gone to market. Current zoning around the subject property is predominantly AG-20 with a contiguous 40 acre SAG-10 area to the northeast. Actual actual adjacent land use north, east and west of the subject property is more sub-urban in nature including lots as small as 1 acre(refer to Exhibits E-G).

The Voermans have an expressed interest in winding down their farming activities and selling parts or all of their property at a reasonable market value.

The applicant proposes to amend the Flathead County zoning map to change the zoning of the subject property from AG-20 to SAG-10. The current zoning would allow for only one residence on the property since it is .4 acres less than 40 acres. SAG-10 zoning would allow up to 3 residences on the 39.6 acre property. The proposed zoning amendment calls for a minimum of 10 acre tracts on the subject property. Since the property is less than 40 acres in size, it will only accommodate 3 parcels under the SAG-10 classification. The ultimate subdivision of the subject property into 3 parcels will surely maintain its rural character and provide good opportunities for smaller scale agricultural activities around the home-sites.

**THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND *DETAILED* EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.**

**Summary: Physical Character of Subject Property**

The subject property is bounded on the south by East Edgewood Drive and the east by Aspen Lane The site is also bounded on the west by Haskill Creek on the west and Walker creek on the northeast. There is a wooded area on the southeast edge of the site. The property is approximately 1 mile east of the city limits of Whitefish and 4.5 miles northwest of the city limits of Columbia Falls. Of the total 39.6 acres, there are 32.67 acres of open hay field, 3.02 acres of woods (mixed timber including birch, spruce and larch), 3.34 acres of Zone A floodplain including .5 acres of creek bottom/wetland (Haskill and Walker Creek) and .58 acres of wetland along East Edgewood Drive. The site drops 18 feet in elevation from the northeast corner to the southwest corner with an average gradient between 1 to 1 ½%. (refer to Exhibits A-C and H for additional information about the physical character of the site).

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**1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?**

The subject property is located within a "Limited Rural Residential" and "Sensitive Areas" designation on the adopted *Map in the Whitefish City-County Master Plan – Year 2020 (see Exhibit D)*. The latter designation is logical by virtue of the property's location between Haskill Creek and Walker Creek. One of the most compelling arguments for approving the proposed zoning map amendment goes to the definition and actual frequency of the term "Limited Rural Residential " (LRR) in the context of surrounding land uses. LRR is defined in the growth policy document as "residential density of one dwelling unit per 20 or more acres" which fits within the areas predominant current zoning classification of AG-20. Although the WFCCMP 2020 map and text call for "limited rural residential", the actual existing patterns of land use to the north, northeast, east and west demonstrate more or less of a "suburban residential" character with the prevalence of residential parcels less than 20 acres in size all the way down to 1 acre in size (see Exhibits E-H). The entire ½ mile radius illustrated in Exhibits E through G is defined as "Limited Rural Residential" on the WFCCMP 2020 map, but this does not accurately portray the actual land use on the ground contiguous to the subject property. In addition, current zoning does not paint an accurate picture of existing land use in the vicinity of the subject property regardless of current growth policy classifications and any actual potential environmental constraints. The applicants zone amendment request does not propose residential "densities incompatible with the surrounding areas" as mentioned in 8.12 subsection (c) number 3. The existing more aggressive pattern of development in the surrounding area calls to question the relevance of the WFCCMP 2020 map specifically and the text when considering land use decisions regarding the subject parcel. It is also important to note the site's exposure, accessibility and geographical location alongside a major county connector route as well as the site's proximity to the city limits of Whitefish.

The applicant acknowledges that there are important environmental considerations to the development of the proposed zone amendment area. The proposal here, allowed under SAG-10 zoning, is to accommodate no more than three rural residential home-sites within the confines of the 39.6 acres site. The new property owners are involved in residential building in the Flathead Valley and are keenly sensitive to the notion of protecting the riparian and wooded zones within the overall property in order to maintain exceptional rural property aesthetics, value and integrity consistent with the intent of the "limited rural residential" described in the WFCCMP 2020 under text section 8.12 subsection (c). Septic and construction suitability testing will be conducted when the applicant moves forward to divide the property as a minor subdivision. No "inefficient or inadequate" extensions of services into the property are needed or anticipated (as mentioned in 8.12 subsection (c) number 3) other than dry utilities such as electrical, cable and gas. The latter utilities are already located adjacent to the property. Water and on-site sewer will be accommodated on each of the 3 home-sites.

The realtor handling the sale of the subject property has stated that there is a significant demand for rural residential sites in the 10 to 15 acre category within close proximity to the community of Whitefish. Under Issues, Section 8 of the WFCCMP 2020, Item J states that "demand has increased for mini farms where people buy small acreages for a rural residence, hobby farm, tax shelter, and/or land speculation". This was true in 1996 when the county commissioners and Whitefish adopted the WFCCMP 2020 and is still true in 2014.

Under Policies, Section 8.6 the WFCCMP 2020 it is stated that "creative subdivision design shall be utilized where important, productive agricultural land must or will be developed. Techniques such as locating building sites on the least productive area of the tract, clustering developments on smaller lots while still maintaining the bulk of the site in open farmland, utilizing conservation easements and

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substantial buffering of incompatible uses, should be the norm". The applicant intends to use some or all of the techniques mentioned above to preserve the bucolic character of the subject property. It is important to note that the WFCCMP 2020 and the USDA soils map do not categorize the site as important farmland.

Under Section (e) Sensitive Area item 1 it states that "this designation is not intended to prohibit development but to limit density and development in order to mitigate environmental impacts". It goes on to state in item 5 that "this designation on the map is not parcel specific but is intended to alert land use decision makers of potential environmental limitations to be identified". The applicant will employ extensive groundwater monitoring and septic suitability testing prior to submittal of a preliminary plat for the subject property. In addition, the riparian, wetland and flood plain areas on the site will be set aside as undisturbed conservation zones as part of the development plan. These areas along with open spaces and strict control over pet activities within the three future home-sites will preserve and protect wildlife paths into and out of the overall property.

**2. Is the proposed amendment designed to:**

**a. Secure safety from fire and other dangers?**

Due to the open nature of the property, defensible space is already inherently present for the future home-sites. The property is accessible for emergency purposes along the ¼ mile frontage of both East Edgewood Drive on the south and Apsen Drive on the east. An interior road accessing the future home-sites will be paved. The proposed SAG-10 area is within three miles of North Valley Hospital and serviced by Whitefish Rural Fire District and the county sheriff's office.

**b. Promote public health, public safety and the general welfare?**

The proposed SAG-10 area will be served by individual water wells and on-site septic/drainfields. Groundwater monitoring and on-site soil testing will be conducted to determine the best locations for on-site sanitary sewer drainfields, water wells and home foundation sites. New storm water drainage beyond historic runoff levels will be accommodated on the subject property. Household refuse will either be hauled to the county landfill or re-cycled.

**c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**

**Transportation:**

- The Flathead County's functional classification of East Edgewood Drive is as a collector road. The entire south perimeter of the subject property of ¼ mile is contiguous to East Edgewood Drive providing an excellent connector to Whitefish (1 mile), Columbia Falls (4.5 miles) and the intersection of US 2 with Montana Highway 40. East Edgewood Drive is also a popular bike route. The proposed zone amendment will not negatively impact the function of the existing road system with the addition of up to 3 home-sites. Aspen Drive is a private road easement and may or may not be utilized by the future residents of the subject property depending on whether existing users are open to the possibility of permitting additional new users. Opportunity for nationwide transportation exists at the Whitefish Depot in the form of an Amtrak link that runs daily trains east and west to Chicago and Seattle/Portland. The depot is

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located 2.4 miles from the subject property. Glacier International Airport is approximately 7 miles from the subject property.

**Water:**

- Each of the three potential future home-sites will each have wells to service their domestic water needs. Negative impacts to surrounding properties are not anticipated.

**Sewerage:**

- Each of the three potential future home-sites will have individual septic tanks and drainfields. Groundwater monitoring and soil testing prior to platting will determine the size and location of individual sanitary sewer systems and whether or not some version of an engineered system will be required on the subject property.

**Schools:**

- Access to Whitefish schools is easily achieved by driving west on East Edgewood Drive and turning down 2<sup>nd</sup> Street. The public high school and elementary schools are approximately 1 ½ miles from the subject property. The one unit per 10 acre density proposed for the subject property will have little to no impact on the local public schools.

**Parks:**

- The large open spaces created within the proposed SAG-10 zone will in and of themselves provide a park like atmosphere for the future home-sites. Whitefish offers a public dog park, bmx course and athletic fields within 1 mile of the subject property that are accessible by driving or riding west on East Edgewood Drive and turning onto 2<sup>nd</sup> Street. In addition, the proposed amendment property provides excellent access to Whitefish Lake public beach/ boat launch facilities as well as the Whitefish Mountain Resort. The former is directly west of the property and the latter is accessible by driving north on Wisconsin Avenue and linking up with Big Mountain Road.

**Other Public Facilities:**

- Another transportation/recreation asset that is located nearby the subject property is Whitefish's grass air strip located just across the railroad tracks. The strip is within 1 mile of the subject property.

**3. Does the proposed amendment consider:**

**a. The reasonable provision of adequate light and air?**

The residential impact on the proposed zoning amendment area will include the accommodation of up to 3 home-sites on 39.6 acres. The average size of the sites will be approximately 12 to 14 acres with building envelopes dictated. Much of each of the future home-sites will be dedicated to open space uses such as pasture. Haskill Creek and Walker Creek will be protected by a minimum 100 foot conservation buffer which will also insure that the floodplain will remain undisturbed and unobstructed. The wooded area on the southeast corner of the area will be carefully managed as a buffer and wildlife resource. Other than minor clearing for one home-site, only diseased trees and understory will be removed.

**b. The effect on motorized and non-motorized transportation systems?**

The proposed zoning amendment will provide an opportunity for one access road into the re-zoned area as would the existing zoning classification. The single access road will be paved and provide a route to the 3 home-sites allowed by the proposed amendment. The built access road will provide an opportunity for non-motorized access as well. Although East Edgewood drive does not have a dedicated bikeway at this time, it is identified in the County's non-motorized trail plan as an important route and is

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frequently used for biking. Travel to and from the future home-sites onto East Edgewood Drive will generate little or no impact to the current vehicular and bike traffic load. East Edgewood Drive will continue to function as a viable alternative route between Whitefish and Columbia Falls.

**c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?**

The subject property is located within 1 mile of the city limits of Whitefish with its entire south frontage contiguous with a roadway that has been classified by Flathead County as a "Collector Road". The proposed zoning will preserve the rural setting while providing an opportunity for rural living and allowing the accommodation of up to 3 home-sites on 39.6 acres. The additional residential impact of two homes under the proposed zone compared to the existing zoning will be minimal and will be considerably less than most of the contiguous residential development that exists to the north, west and northeast. The proposed amendment supports and provides for a rural transition zone between Whitefish and the undeveloped public lands to the north.

**d. The character of the district and its peculiar suitability for particular uses?**

The proposed SAG-10 amendment will not result in a markedly different land use density compared to the existing AG-20 classification. Quality rural residential development can and will result from this proposal while eliminating some of the pressure to purchase and build in more remote timbered and mountainous locations that are un-zoned and lack utility extension and adequate roads.

**e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?**

The proposed amendment will promote rural separation of structures while protecting critical resources present on the property such as Haskill Creek, Walker Creek and the wooded area. Landscaping will be implemented around the future home-sites in order to lessen the visual impact of structures on the overall site and surrounding residences. Residential densities will be significantly less than surrounding properties to the west, north and northeast.

**4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?**

Yes, as stated above, the proposed amendment provides for a rural transition zone between Whitefish's urban fringe and the vast public lands to the north and is compatible with surrounding county and Whitefish City zones situated west of the subject area.

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SAG-10 Zoning Amendment Application, Tract 3, Section 27, T31N, R21 W,  
Flathead County, Montana:

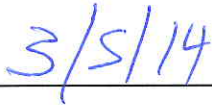
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*The signing of this application signifies approval for the Flathead County Planning & Zoning staff  
to be present on the property for routine monitoring and inspection during approval process.*



Colton Behr, Haskill Creek Holdings LLC

Owner/Applicant Signature(s)



Date

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